

Remarks

Claims 1-7 and 18-24 are pending.

Claims 1-7 and 18-24 are rejected.

Claims 25-27 are new method claims based on the features of the claimed means claims.

Claims 1 and 24 are amended to recite "multimedia files" instead of "audio files".

No new matter was entered in view of these amendments.

No new matter was added in view of these amendments.

I. 35 U.S.C. 102(e) Rejection of Claims 1-7 and 21-24

The Examiner rejected Claims 1-7 and 21-24 under 35 U.S.C. 102(e) as being anticipated by Mercer et al. (U.S. Patent 7,043,477, hereafter referred to as 'Mercer'). Applicants disagree with this ground of the rejection.

As written, Claim 1 claims the salient feature of, "upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is kept and the **new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file**". That is, the determination of how the order of multimedia files will be determined is in view of a property of a multimedia media file that is currently selected. This type of function of where sorting order or playback order of multimedia files is affected by the properties of a selected multimedia file is neither disclosed nor suggested in Mercer.

The relevant section of Mercer, as cited to by the Examiner is as follows:

"The user also can manipulate the created playlists by shuffling or repeating playlists. Such shuffle or random play options may operate on the group level or at the individual media file level, which allows, for example, playback of all

songs by a random artist before proceeding to the next random artist.” (Mercer, col. 5, lines 31-34).

To reiterate the concepts described in Mercer, a user can select different playlists where the ordering of such playlists can be shuffled or repeated. For example, if a user has three existing playlists A, B, and C, the user can specify the order of the playback of such playlists [use playlist A, then B, then C, then repeat] or be randomized.

Continuing with the illustration of the principles of the cited art, one can designate that the groupings of items in a playlist can have their playback order shuffled or repeated. For example, for a playlist A, there are songs by three different artists: Prince, the Beatles, and Bruce Springsteen. Mercer then discloses that one can designate for a particular playlist that all of the songs by Prince be played, then all of the songs by the Beatles, and then all of the songs by Bruce Springsteen will be played, where such a order will be repeated, or that the play order of artists will be shuffled (Bruce, Beatles, Prince, in one possible example, or Beatles, Prince, and Bruce Springsteen in another possible example).

Then the play order of songs in specific groups can also be shuffled or repeated. Hence, the order of playback of songs by Prince will be randomized, but all of such songs will be played in a playlist before the songs by the Beatles. The reference then suggests that the playback of songs by the Beatles would be randomized, where all of the songs by the Beatles would be played before the songs of Bruce Springsteen would be played. Alternatively, the playback of such songs can be repeated.

Within these examples explained above, the playback order of playlists or of items in such playlists **is not affected by at least one property of a currently selected multimedia file** as in Claim 1. That is, Mercer neither discloses nor suggests such a claimed feature for the reasons given above. Additionally, Claims 2-7 and 21-24 are patentable for the reasons given above.

II. 35 U.S.C. 103(a) Rejection of Claims 18-20

The Examiner rejected Claims 18-20 under 35 U.S.C. 103(a) as being patentable over Mercer in view of the Examiner's Official Notice.

The Examiner argues that in view of Mercer it would be obvious to use a button or buttons to change the playback order of a multimedia file. Hence, by using knowledge well known in the art, the Examiner concludes that the features of Claims 18-20 are anticipated by such a teaching, in view of Mercer.

The Examiner is however incorrect about the substance of Claims 18-20. For example, for Claim 18 a user activates a button change the property used for a currently selected multimedia file where the property will affect the play/sort order of a playlist, where there is a predefined sequence properties used the sort order. Hence, property A of a selected multimedia file will first be used, then a property B, then property C. The ordering of the selection of such properties can then be reversed, property C, property B, then property A.

Applicants assert that the substance of Claims 18-20 is not disclosed or suggested by Mercer in view of the Examiner's Official Notice in that the features of these claims are not known in the art.

Applicant requests that the Examiner remove the rejection to all of the pending claims. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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